

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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CLERK OF U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

UNITED STATES OF AMERICA

Plaintiff

-VS-

ALTON HOLSEY

Defendant

:
:
: CASE NO. 1:09 CR 371
:
:
:

: ORDER ACCEPTING PLEA AGREEMENT
: AND JUDGMENT AND NOTICE OF
: HEARING
:

UNITED STATES DISTRICT JUDGE LESLEY WELLS

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Kenneth S. McHargh regarding the change of plea hearing and plea agreement of Alton Holsey which was referred to the Magistrate Judge with the consent of the parties.

On 19 August 2009, the government filed a three-count indictment against Alton Holsey for conspiracy in violation of 18 U.S.C. § 371, and wire fraud in violation of 18 U.S.C. § 1343 and § 2. On 10 September 2009, a hearing was held in which Alton Holsey entered a plea of not guilty before Magistrate Judge William H. Baughman, Jr. On 6 January 2011, Magistrate Judge McHargh received Alton Holsey's plea of guilty and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Alton Holsey is found to be competent to enter a plea. He understands his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Alton Holsey is adjudged guilty of Counts 15 and 16 in violation of 18 U.S.C. § 1343 and § 2.

Sentencing will be:


24 March 2011 at 9:30 a.m.

**Courtroom 16-B
16th Floor, United States District Court
801 West Superior Avenue
Cleveland, Ohio 44113**

IT IS SO ORDERED.

Dated:

2/1/2011


UNITED STATES DISTRICT JUDGE